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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/062,162	02/01/2002	Fabien Cens	17.0247	8728
7590 07/13/2004				
Schlumberger Oilfield Services		EXAMINER		
Office of Patent Counsel		DUVERNE, JEAN F		
P.O. Box 2175		ART UNIT		
Houston, TX 77252-2175		2839		
		PAPER NUMBER		

DATE MAILED: 07/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

95h

<b>Office Action Summary</b>	Application No. 10/062,162	Applicant(s) CENS ET AL.	
	Examiner Jean F. Duverne	Art Unit 2839	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 4/21/2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) \_\_\_\_\_ is/are pending in the application.  
     4a) Of the above claim(s) 51-61 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 51-61 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 51-52, 55, 59 are rejected under 35 U.S.C. 102(e) as being anticipated by Pollack et al (US006351593B1).

Pollack's device discloses a light path extending between a first and second zones (20, 40 or col. 3, lines 30-47) that are sealed relative to other; the light path comprising at least one optical fiber provided with a metal coating at 25 at least on the part of its length at the junction between said first and second zones, and wherein the portion of the optical fiber situated in the second zone contained in a protective sheath which is separate from the fiber and which is adapted to maintain the respective pressure inside the protective sheath and in the second zone substantially equalized or uniform (see col. 8, lines 22-30); the metal coating extending over the optical fiber, sealing means or gaskets (16, 34).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 60-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pollack et al (US006351593B1).

In regard to claims 60-61, Pollack's device discloses the aforementioned limitations, but fails to disclose explicitly disclose the material of which the sealing gasket is made of. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the sealing gasket is made of ceramic, since it has been to within the level skill of a worker in the art to select known material on the basis of its suitability as matter of obvious design choice. In re Leshin, 125 USPQ 416. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the sealing gasket made of ceramic to meet the system requirement, specification, and design.

Claims 56-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pollack et al (US006351593B1) in view of Basso (US patent 3,868,511)

Pollack's device discloses the aforementioned limitations, but fails to disclose the geological deformation and the fluid passing through the tube. Basso's device discloses the geological deformation and the fluid passing through the tube. It would have been obvious to one having ordinary skill in the art at the time the invention was made to

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have the geological deformation and the fluid passing through the tube of Pollack's device due to the response of the environment location of the system.

Claims 53-54, 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pollack et al (US006351593B1) in view of Skog (US patent 6189565)

Pollack's device discloses the aforementioned limitations, but fails to disclose the use of the measurement sensor via the optical connector. Skog's device discloses the optical measurement sensor (cols. 3-4). It would have been obvious to one having ordinary skill in the art at the time the invention was made to add optical measurement sensor controlling the signal emission and transmission in Pollack's device.

Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

### ***Response to Amendment***

Applicant's arguments filed on 4/21/2004 with respect to the new claims 51-61 have been considered but are moot in view of the new ground(s) of rejection (see the above rejection).

Applicant's amendment filed on 4/21/2004 necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean F. Duverne whose telephone number is (571) 272-2091. The examiner can normally be reached on 9:00-7:30, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on (571) 272-2092. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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**Any response to this action may be mailed to:**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

For additional information regarding this new address, which was effective May 1, 2003, see *Correspondence with the United States Patent and Trademark Office*, 68 Fed. Reg. 14332 (March 25, 2003).

**Or Faxed to:**  
**(703) 872-9306.**

JFD

07/11/2004



Jean Frantz Duverne  
Primary Examiner  
Art Unit 2839